

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-02004-TJK**

SHEPHERD v. CONSUMER FINANCIAL PROTECTION
BUREAU
Assigned to: Judge Timothy J. Kelly
Cause: 05:552 Freedom of Information Act

Date Filed: 08/27/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**TODD SHEPHERD**

represented by **James F. Peterson**
JUDICIAL WATCH, INC.
425 Third Street, SW
Suite 800
Washington, DC 20024
(202) 646-5172
Fax: (202) 646-5199
Email: jpeterson@judicialwatch.org
ATTORNEY TO BE NOTICED

V.

Defendant**CONSUMER FINANCIAL
PROTECTION BUREAU**

represented by **April Denise Seabrook**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2525
Fax: (202) 252-2599
Email: april.seabrook@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Derek S. Hammond
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2511
Fax: (202) 252-2599
Email: derek.hammond@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Benton Gregory Peterson
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
(202) 252-2534
Fax: (202) 252-2599
Email: benton.peterson@usdoj.gov
TERMINATED: 02/22/2019

Date Filed	#	Docket Text
08/27/2018	<u>1</u>	COMPLAINT against CONSUMER FINANCIAL PROTECTION BUREAU (Filing fee \$ 400 receipt number 0090-5659687) filed by TODD SHEPHERD. (Attachments:

		# <u>1</u> Summons U.S. Attorney for the District of Columbia, # <u>2</u> Summons U.S. Attorney General, # <u>3</u> Summons Consumer Financial Protection Bureau)(Peterson, James) (Additional attachment(s) added on 8/28/2018: # <u>4</u> Civil Cover Sheet) (zsth). (Entered: 08/27/2018)
08/27/2018	<u>2</u>	ENTERED IN ERROR.....CIVIL COVER SHEET by TODD SHEPHERD re <u>1</u> Complaint, filed by TODD SHEPHERD. Related document: <u>1</u> Complaint, filed by TODD SHEPHERD.(Peterson, James) (Entered: 08/27/2018)
08/27/2018		Case Assigned to Judge Timothy J. Kelly. (zsth) (Entered: 08/28/2018)
08/28/2018	<u>3</u>	SUMMONS (3) Issued Electronically as to CONSUMER FINANCIAL PROTECTION BUREAU, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice and Consent)(zsth) (Entered: 08/28/2018)
08/28/2018		NOTICE OF CORRECTED DOCKET ENTRY: Docket Entry <u>2</u> Cover Sheet was entered in error and will not be refiled (now attached to <u>1</u> Complaint). (znmw) (Entered: 09/07/2018)
09/05/2018	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/4/2018. (Answer due for ALL FEDERAL DEFENDANTS by 10/4/2018.), RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 9/4/2018., RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. CONSUMER FINANCIAL PROTECTION BUREAU served on 9/4/2018 (Attachments: # <u>1</u> Declaration of Cristina Rotaru)(Peterson, James) (Entered: 09/05/2018)
09/13/2018	<u>5</u>	NOTICE of Appearance by April Denise Seabrook on behalf of All Defendants (Seabrook, April) (Entered: 09/13/2018)
10/04/2018	<u>6</u>	ANSWER to Complaint <i>and Affirmative Defenses</i> by CONSUMER FINANCIAL PROTECTION BUREAU.(Seabrook, April) (Entered: 10/04/2018)
10/04/2018		MINUTE ORDER: Before the Court in this FOIA case are a complaint and an answer. It is hereby ORDERED that the parties shall meet, confer, and file a joint proposed schedule for briefing or disclosure by October 18, 2018. Signed by Judge Timothy J. Kelly on 10/4/2018. (lctjk1) (Entered: 10/04/2018)
10/16/2018	<u>7</u>	PROPOSED BRIEFING SCHEDULE by TODD SHEPHERD. (Peterson, James) (Entered: 10/16/2018)
10/17/2018		MINUTE ORDER: In light of the parties' <u>7</u> Proposed Briefing Schedule, it is hereby ORDERED that the following schedule will govern further proceedings: (1) Defendant shall file its motion for summary judgment by November 19, 2018; (2) Plaintiff shall file his opposition to Defendant's motion and cross-motion by December 19, 2018; (3) Defendant shall file its opposition to Plaintiff's cross-motion and reply in support of its motion by January 22, 2019; and (4) Plaintiff shall file his reply in support of his cross-motion by January 30, 2019. Signed by Judge Timothy J. Kelly on 10/17/2018. (lctjk1) (Entered: 10/17/2018)
11/19/2018	<u>8</u>	Consent MOTION to Amend/Correct Order,,, Set Deadlines,, <i>Briefing Schedule</i> by CONSUMER FINANCIAL PROTECTION BUREAU (Seabrook, April) (Entered: 11/19/2018)
12/03/2018	<u>9</u>	Consent MOTION to Amend/Correct Order,,, Set Deadlines,, <u>8</u> Consent MOTION to Amend/Correct Order,,, Set Deadlines,, <i>Briefing Schedule</i> by CONSUMER FINANCIAL PROTECTION BUREAU (Seabrook, April) (Entered: 12/03/2018)
12/04/2018		MINUTE ORDER: In light of the Defendant's <u>8</u> <u>9</u> Consent Motions to Amend Briefing Schedule, it is hereby ORDERED that the schedule governing this matter is hereby modified, as follows: (1) Defendant shall file its motion for summary judgment by December 12, 2018; (2) Plaintiff shall file his opposition to Defendant's motion and cross-motion by January 26, 2019; (3) Defendant shall file its opposition to Plaintiff's cross-motion and reply in support of its motion by February 26, 2019; and (4) Plaintiff shall file his reply in support of his cross-motion by March 11, 2019. Signed by Judge Timothy J. Kelly on 12/4/2018. (lctjk1) (Entered: 12/04/2018)

12/12/2018	<u>10</u>	MOTION for Summary Judgment by CONSUMER FINANCIAL PROTECTION BUREAU (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration of R. Lazier, # <u>4</u> Exhibit to Lazier Declaration, # <u>5</u> Text of Proposed Order)(Seabrook, April) (Entered: 12/12/2018)
01/25/2019	<u>11</u>	MOTION for Extension of Time to File <i>and to Reset Briefing Schedule</i> by TODD SHEPHERD (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) (Entered: 01/25/2019)
01/25/2019		MINUTE ORDER treating as opposed and granting in part Plaintiff's <u>11</u> Motion for an Extension of Time. It is hereby ORDERED that the schedule governing this matter is hereby modified, as follows: (1) Plaintiff shall file his opposition to Defendant's motion and cross-motion by February 26, 2019; (2) Defendant shall file its opposition to Plaintiff's cross-motion and reply in support of its motion by March 26, 2019; and (3) Plaintiff shall file his reply in support of his cross-motion by April 8, 2019. Signed by Judge Timothy J. Kelly on 1/25/2019. (lctjk1) (Entered: 01/25/2019)
02/04/2019	<u>12</u>	NOTICE of Appearance by Benton Gregory Peterson on behalf of CONSUMER FINANCIAL PROTECTION BUREAU (Peterson, Benton) (Entered: 02/04/2019)
02/22/2019	<u>13</u>	Consent MOTION for Extension of Time to File, MOTION to Modify Briefing Schedule by TODD SHEPHERD (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James). Added MOTION to Modify on 2/27/2019 (jf). (Entered: 02/22/2019)
02/22/2019	<u>14</u>	NOTICE OF SUBSTITUTION OF COUNSEL by Derek S. Hammond on behalf of All Defendants Substituting for attorney Benton G. Peterson (Hammond, Derek) (Entered: 02/22/2019)
02/25/2019		MINUTE ORDER: In light of Plaintiff's <u>13</u> Consent Motion for Extension of Time, it is hereby ORDERED that the schedule governing this matter is hereby modified, as follows: (1) Plaintiff shall file his opposition to Defendant's <u>10</u> Motion for Summary Judgment and cross-motion by March 12, 2019; Defendant shall file its opposition to Plaintiff's cross-motion and reply in support of its motion by April 9, 2019; and Plaintiff shall file his reply in support of his cross-motion by April 22, 2019. Signed by Judge Timothy J. Kelly on 2/25/2019. (lctjk1) (Entered: 02/25/2019)
02/26/2019		Set/Reset Deadlines: Plaintiff's Cross Motions due by 3/12/2019. Response to Cross Motions due by 4/19/2009. Reply to Cross Motions due by 4/22/2019. Plaintiff's Response to Motion for Summary Judgment due by 3/12/2019. Reply to Motion for Summary Judgment due by 4/9/2019. (hs) (Entered: 02/26/2019)
03/12/2019	<u>15</u>	Memorandum in opposition to re <u>10</u> MOTION for Summary Judgment filed by TODD SHEPHERD. (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) (Entered: 03/12/2019)
03/12/2019	<u>16</u>	Cross MOTION for Summary Judgment by TODD SHEPHERD (Attachments: # <u>1</u> Text of Proposed Order)(Peterson, James) (Entered: 03/12/2019)
04/08/2019	<u>17</u>	Consent MOTION to Amend/Correct <u>7</u> Proposed Briefing Schedule by CONSUMER FINANCIAL PROTECTION BUREAU (Seabrook, April) (Entered: 04/08/2019)
04/08/2019		MINUTE ORDER granting Defendant's <u>17</u> Motion to Amend the Briefing Schedule. It is hereby ORDERED that the schedule governing this matter is hereby modified, as follows: Defendant shall file its Reply in Support of its Motion for Summary Judgment and Opposition to Plaintiff's Cross-Motion by April 23, 2019 and Plaintiff shall file his Reply in support of his Cross-Motion for Summary Judgment by May 7, 2019. It is further ORDERED that Plaintiff's <u>13</u> Motion to Modify the Briefing Schedule is hereby DENIED as MOOT. Signed by Judge Timothy J. Kelly on 4/8/2019. (lctjk1) (Entered: 04/08/2019)
04/23/2019	<u>18</u>	REPLY to opposition to motion re <u>10</u> MOTION for Summary Judgment filed by CONSUMER FINANCIAL PROTECTION BUREAU. (Seabrook, April) (Entered: 04/23/2019)
04/23/2019	<u>19</u>	Memorandum in opposition to re <u>16</u> Cross MOTION for Summary Judgment filed by CONSUMER FINANCIAL PROTECTION BUREAU. (Attachments: # <u>1</u> Statement of Facts (Responsive))(Seabrook, April) (Entered: 04/23/2019)

05/07/2019	<u>20</u>	REPLY to opposition to motion re <u>16</u> Cross MOTION for Summary Judgment filed by TODD SHEPHERD. (Peterson, James) (Entered: 05/07/2019)
09/17/2019	<u>21</u>	ORDER denying without prejudice Defendant's <u>10</u> Motion for Summary Judgment and Plaintiff's <u>16</u> Cross-Motion for Summary Judgment. Joint proposed briefing schedule due by October 16, 2019. Signed by Judge Timothy J. Kelly on 9/17/2019. (lctjk3) (Entered: 09/17/2019)
10/16/2019	<u>22</u>	PROPOSED BRIEFING SCHEDULE <i>for Renewed Summary Judgment Motions</i> by TODD SHEPHERD. (Peterson, James) (Entered: 10/16/2019)
10/16/2019		MINUTE ORDER: In light of the parties' <u>22</u> Proposed Briefing Schedule for Renewed Motions for Summary Judgment, it is hereby ORDERED that the following schedule will govern further proceedings: (1) Defendant shall file its motion for summary judgment by November 20, 2019; (2) Plaintiff shall file his opposition to Defendant's motion and cross-motion by December 20, 2019; (3) Defendant shall file its opposition to Plaintiff's cross-motion and reply in support of its motion by January 20, 2020; and (4) Plaintiff shall file his reply in support of his cross-motion by February 13, 2020. Signed by Judge Timothy J. Kelly on 10/16/2019. (lctjk1) (Entered: 10/16/2019)
11/15/2019	<u>23</u>	Consent MOTION to Amend/Correct Order,,, Set Deadlines,, by CONSUMER FINANCIAL PROTECTION BUREAU (Seabrook, April) (Entered: 11/15/2019)
11/15/2019		MINUTE ORDER granting Defendant's <u>23</u> Consent Motion to Amend Briefing Schedule. It is hereby ORDERED that the following schedule will govern further proceedings: (1) Defendant shall file its motion for summary judgment by December 20, 2019; (2) Plaintiff shall file his opposition to Defendant's motion and cross-motion by January 21, 2020; (3) Defendant shall file its opposition to Plaintiff's cross-motion and reply in support of its motion by February 19, 2020; and (4) Plaintiff shall file his reply in support of his cross-motion by March 11, 2020. Signed by Judge Timothy J. Kelly on 11/15/2019. (lctjk1) (Entered: 11/15/2019)